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FAX: (503) 274-4622**TO:** Ly D. Pham, Examiner  
USPTO, Group Art Unit 2818Internet: [www.techlaw.com](http://www.techlaw.com)**FAX:** (703) 872-9306**FROM:** Julie Reed, Registration No. 35,349**Date:** September 24, 2004**Re:** Attorney Do. No. 5038-095 – **RESPONSE TO ELECTION  
REQUIREMENT**

Number of pages (including this one): 2

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**REMARKS:**

In re application of: David G. Chow

Confirmation No.: 2818

Serial No. 10/028,182 Examiner: Ly D. Pham,

Filed: December 21, 2001 Group Art Unit: 2818

For: FERROELECTRIC MEMORY DEVICE AND METHOD  
OF READING A FERROELECTRIC MEMORY**NOTICE**

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SEP 24 2004

PATENT APPLICATION  
Docket No. 5038-095  
Intel Ref. P11253

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David G. Chow  
 Confirmation No.: 2818  
 Serial No. 10/028,182 Examiner: Ly D. Pham,  
 Filed: December 21, 2001 Group Art Unit: 2818  
 For: FERROELECTRIC MEMORY DEVICE AND METHOD  
OF READING A FERROELECTRIC MEMORY  
 Date: September 24, 2004

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## RESPONSE TO ELECTION REQUIREMENT

Applicant has received an election requirement in this case. However, the election requirement is not in proper form. According to the MPEP 809.02(a)-(d), and 814, the Examiner should "clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species...If the species cannot be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted. In this election requirement, no identification of any species, nor were any claim groupings identified. Applicant therefore traverses this requirement as there is no evidence presented that there are patentably distinct species, and Applicant should not be placed in the position of having to guess at what species the Examiner considers to be present.

However, in order to further the progress of this case, Applicant elects any species identified by claim groups 1-16 with traverse.

Customer No. 32231

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.

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I hereby certify that this correspondence  
 is being transmitted to the U.S. Patent and  
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 (703) 872-9306, on September 24, 2004.

Signature

Janet Sullivan  
 Name: Janet Sullivan